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OCT 23 2006

Appl. No. 10/621,951  
Notice of Appeal dated 10/23/2006  
Reply to Office Action of 07/21/2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:	:
Mark Allen Grubbs	:
Serial No: 10/621,951	: Before the Examiner:
	: Charles Edward Lu
Filed: 07/17/2003	: Group Art Unit: 2163
Title: PERFORMANCE-ENHANCING	: Confirmation No.: 1546
SYSTEM AND METHOD OF	:
ACCESSING FILE SYSTEM	:
OBJECTS	:

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Applicants hereby appeal to the Board of Appeals from the Decision of the  
Primary Examiner of July 21, 2006 finally rejecting Claims 1 - 20.

The item(s) marked below are appropriate:

1. \_\_\_\_\_ A petition and fee for extension of term for reply to the final rejection is attached.
2.  X  Notice of Appeal fee  
       X  other than a small entity. Fee: \$500.00
3.  X  Payment  
       X  Please charge Deposit Account 09-0447 the sum of \$500.00. A duplicate of this notice is attached.

AUS920030463US1

10/24/2006 TL0111 00000030 090447 10621951  
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Monday, October 23, 2006 1:28 PM

Volel Emile, Esq. 512 306 0240

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Appl. No. 10/621,951  
Notice of Appeal dated 10/23/2006  
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Respectfully Submitted

By: 

Volel Emile  
Attorney for Applicants  
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# FAX

**ATTN.** Charles Edward Lu

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**Fax Number** 1571 273 8300

**Phone Number** 571 272 8594

**FROM** Volel Emile, Esq.

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**Fax Number** 512 306 0240

**Phone Number** 512 306 7969

**SUBJECT** Notice of Appeal (10/621,951)

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**Number of Pages** 6

**Date** 10/23/2006

## MESSAGE

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This fax communication contains:

1. one copy of a Fax Transmittal Form; and
2. two copies of a Notice of Appeal, including fee.

Volel

Monday, October 23, 2006 1:28 PM

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PTO/SB/21 (02-04)  
Approved for use through 07/31/2006 OMB 0651-0031  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/621.951
	Filing Date	07/17/2003
	First Named Inventor	Mark Allan Grubbs
	Art Unit	2163
	Examiner Name	Charles Edward Lu
Total Number of Pages in This Submission	Attorney Docket Number	AUS620030463US1

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Remarks Notice of Appeal	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Volei Emile
Signature	
Date	10/23/2006

CERTIFICATE OF TRANSMISSION/MAILING	
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Typed or printed name	Volei Emile
Signature	
Date	10/23/2006

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